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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

13 FEDERAL TRADE COMMISSION,

14  
15 Plaintiff,

16 vs.

17 MICROSOFT CORP.,

18 and

19 ACTIVISION BLIZZARD, INC.,

20 Defendants.  
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CASE NO. 3:23-cv-2880

**[PROPOSED] ORDER TO NVIDIA  
CORPORATION'S STATEMENT IN  
SUPPORT OF SEALING PORTIONS OF  
EVIDENTIARY HEARING EXHIBITS**

The Honorable Jacqueline Scott Corley

**[Proposed] Order**

The Court, having fully considered the papers and arguments presented, hereby ORDERS that the following exhibits be submitted under seal, and that the courtroom be sealed for their presentation during the preliminary injunction hearing, as follows:

<b>PX# or RX# to Be Submitted Under Seal</b>	<b>Portions of Exhibits for Whose Presentation Courtroom Will Be Sealed</b>	<b>Basis for Sealing</b>
PX3157 / RX2137	Courtroom to be sealed for any presentation of this exhibit.	This contains emails between NVIDIA employees and Microsoft employees regarding talking points for a European Commission (“EC”) hearing. <i>See</i> Patel Declaration (“Decl.”) ¶ 3. NVIDIA seeks to seal the entire document, as it contains statements made during an EC hearing that was a closed proceeding, and NVIDIA does not have the EC’s permission to publicly disclose information from that hearing. <i>Id.</i>
PX3235	Courtroom to be sealed for any presentation of this exhibit.	This is a nonpublic version of a Newzoo report. <i>See</i> Decl. ¶ 4. NVIDIA seeks to seal the entire document, as NVIDIA does not have Newzoo’s permission to publicly disclose this report. <i>Id.</i>
PX3052	Courtroom to be sealed for any presentation of this exhibit.	This is an internal NVIDIA presentation entitled “GFN Key Metrics Apr-2022.” <i>See</i> Decl. ¶ 5. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 5, 31–32.
PX3069	Courtroom to be sealed for any presentation of this exhibit.	This is an internal NVIDIA presentation entitled “GFN Review January 8, 2021.” <i>See</i> Decl. ¶ 6. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 6, 31–32.
PX3103	Courtroom to be sealed for any presentation of this exhibit.	This is a transcript regarding a meeting between the Competition and Markets Authority (“CMA”) and NVIDIA on January 9, 2023. <i>See</i> Decl. ¶ 7. NVIDIA seeks to seal the entire document. As stated on the first page of the transcript, it is protected by Part 9 of the Enterprise Act 2002, which means that it cannot be publicly disclosed without permission from the CMA. NVIDIA does not have permission from the CMA. <i>Id.</i>

1	PX3104 / RX2135	Courtroom to be sealed for any presentation of pages -281, -283, -287, -288, -289, -290, -291, -292, -293, -294, -295 of this exhibit.	This is an email from NVIDIA's outside counsel to the EC and two email attachments. <i>See</i> Decl. ¶ 8. Disclosure of the designated portions of the first attachment would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 8, 31–32.
2	PX3113	Courtroom to be sealed for any presentation of this exhibit.	This is an email exchange between NVIDIA employees regarding NVIDIA's negotiations with a game publisher. <i>See</i> Decl. ¶ 9. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 9, 31–32.
3	PX3117	Courtroom to be sealed for any presentation of this exhibit.	This is an email exchange between NVIDIA employees regarding NVIDIA's negotiations with a game publisher. <i>See</i> Decl. ¶ 10. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 10, 31–32.
4	PX3123 / RX2143	Courtroom to be sealed for any presentation of this exhibit.	This is an email exchange between NVIDIA employees regarding NVIDIA's negotiations with a game publisher. <i>See</i> Decl. ¶ 11. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 11, 31–32.
5	PX3144	Courtroom to be sealed for any presentation of this exhibit.	This is an internal NVIDIA presentation entitled "GFN Business Review–November 2022." <i>See</i> Decl. ¶ 12. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 12, 31–32.
6	PX3153	Courtroom to be sealed for any presentation of this exhibit.	This is an email exchange between NVIDIA employees regarding NVIDIA's negotiation of a license agreement. <i>See</i> Decl. ¶ 13. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 13, 31–32.
7	PX3243	Courtroom to be sealed for any presentation of this exhibit.	This is an internal NVIDIA presentation entitled "GFN Key Metrics May-2022." <i>See</i> Decl. ¶ 14. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 14, 31–32.

<p>PX7060</p>	<p>Courtroom to be sealed for any presentation of the following portions of the deposition transcript: 12:15; 28:15–18; 30:7–11; 33:4–7; 33:13–34:8; 39:23–39:24; 41:14–18; 43:5–44:14; 44:21–45:9; 48:5–48:23; 49:11–53:18–54:8; 54:11–54:12; 54:20–57:1; 59:14–19; 59:21–61:6; 61:19–63:5; 63:11–22; 64:5–64:16; 65:6–67:21; 68:20–69:11; 70:4; 70:18–71:1; 71:14–15; 73:5–73:17; 74:16–74:18; 75:2–75:22; 77:9–89:9; 90:22–93:20; 93:24–94:17; 94:20–95:7; 95:12–13; 96:11–13; 96:19–20; 97:6–11; 98:2–6; 98:15; 99:1–4; 99:10–12; 99:18–21; 102:2; 102:4–112:13; 113:7–9; 113:17; 114:2–3; 114:5–114:17; 114:23; 115:1–115:13; 115:21–116:4; 116:24–118:3; 118:21–119:19; 120:1–120:2; 120:17–24; 121:6–122:15; 122:20–21; 122: 23–24; 122:25–124:3; 124:5–129:8; 129:11–132:1; 132:10; 133:1–133:6; 133:14–15; 133:18–134:21; 135:1–5; 135:12–138:16; 139:2–4; 139:14–146:15; 148:15; 149:1–7; 149:17–159:5; 159:12–160:9; 160:24–161:5; 161:21–163:13; 165:15–167:8; 168:1–169:7; 169:17–170:20; 171:13–172:10; 172:20–173:1; 173:8–174:1; 174:22–177:18; 178:2–180:11; 180:25–186:7; 186:24–188:18; 189:4–191:13; 193:14; 193:17; 193:24; 194:2–7; 194:9–11; 194:17; 194:23; 195:4–9; 195:16–197:1; 197:6 -7; 197:10; 199:5–13.</p> <p>Courtroom will also be sealed for any presentation of the corresponding portions of the video deposition.</p>	<p>This is the deposition transcript of an NVIDIA executive taken during the FTC’s investigation of Microsoft’s acquisition of Activision. <i>See</i> Decl. ¶ 15. Disclosure of the information located at 12:15 would reveal personal information about the deponent’s location. <i>Id.</i> Disclosure of the remainder of the designated portions of the deposition would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 15, 31–32.</p>
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1	PX8000	Courtroom to be sealed for any presentation of Paragraph 22, Lines 19–20; Paragraphs 23–27; Paragraphs 32–33; Paragraphs 42–49; Paragraphs 59–61; Paragraphs 70, Portions of Lines 8–14; Paragraph 71 of this exhibit.	This exhibit is the declaration of the same NVIDIA executive. <i>See</i> Decl. ¶ 16. Disclosure of the designated portions of the declaration would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 16, 31–32.
2	PX7062	Courtroom to be sealed for any presentation of the following portions of the deposition transcript are sealed: 12:19; 26:1–14; 33:6–21; 34:19–35:18; 38:8–24; 40:5–9; 40:25–41:7; 61:19–62:1; 65:5–66:8; 69:9–71:6; 71:24–75:20; 76:22–89:15; 89:21–92:2; 100:18–101:10; 103:9–10; 104:4; 104:12–13; 104:17–115:3; 116:15–117:21; 121:19–122:13; 127:8; 130:1–133:20; 140:1–141:4; 142:6–145:17; 147:6–148:8; 148:18–149:13; 150:5–154:3.  Courtroom will also be sealed for any presentation of the corresponding portions of the video deposition.	This is the deposition transcript of a second NVIDIA executive taken during the FTC’s investigation of Microsoft’s acquisition of Activision. <i>See</i> Decl. ¶ 17. Disclosure of the information located at 12:19 would reveal personal information about the location of the deponent’s home. <i>Id.</i> Disclosure of the remainder of the designated portions of the deposition would reveal competitively sensitive business information as well as personally identifying information about the deponent’s home address. <i>Id.</i> ¶¶ 17, 31–32.
3	RX2003	Courtroom to be sealed for any presentation of this exhibit.	This is an internal NVIDIA presentation entitled “GeForce NOW KPIs.” <i>See</i> Decl. ¶ 18. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 18, 31–32.
4	RX2139	Courtroom to be sealed for any presentation of this exhibit.	This is an internal NVIDIA presentation entitled “GFN July KPIs.” <i>See</i> Decl. ¶ 19. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 19, 31–32.
5	RX2004	Courtroom to be sealed for any presentation of this exhibit.	This is an internal NVIDIA presentation entitled “GeForce NOW November KPIs.” <i>See</i> Decl. ¶ 20. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 20, 31–32.
6	RX2151	Courtroom to be sealed for any presentation of this exhibit.	This is an email exchange between NVIDIA employees regarding NVIDIA’s negotiations with a game publisher. <i>See</i> Decl. ¶ 21. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 21, 31–32.

1	RX2153	Courtroom to be sealed for any presentation of this exhibit.	This is an email exchange between NVIDIA employees regarding NVIDIA's negotiations with a game publisher. <i>See</i> Decl. ¶ 22. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 22, 31–32.
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4	RX2150	Courtroom to be sealed for any presentation of the May 24, 2021 9:33 AM email and the May 24, 2021 8:57 PM email.	This is an email exchange between NVIDIA employees regarding a competitive analysis of xCloud and GeForce NOW. <i>See</i> Decl. ¶ 23. Disclosure of the designated portions of the email exchange would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 23, 31–32.
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8	RX2145	Courtroom to be sealed for any presentation of this exhibit.	This is an email exchange between NVIDIA employees containing a game content management update and discussion. <i>See</i> Decl. ¶ 24. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 24, 31–32.
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12	RX2152	Courtroom to be sealed for any presentation of this exhibit.	This is an email exchange between Microsoft employees and NVIDIA employees regarding contract negotiations between the two companies. <i>See</i> Decl. ¶ 25. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 25, 31–32.
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16	RX2149	Courtroom to be sealed for any presentation of this exhibit.	This is an email exchange between NVIDIA employees containing a game content management update. <i>See</i> Decl. ¶ 26. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 26, 31–32.
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19	RX2147	Courtroom to be sealed for any presentation of this exhibit.	This is an email exchange between NVIDIA employees containing an update regarding partner engagement for GeForce NOW. <i>See</i> Decl. ¶ 27. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 27, 31–32.
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23	RX2146	Courtroom to be sealed for any presentation of this exhibit.	This is an email exchange between NVIDIA employees regarding NVIDIA's cloud gaming service. <i>See</i> Decl. ¶ 28. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 28, 31–32.
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RX2142	Courtroom to be sealed for any presentation of this exhibit.	This is an email between NVIDIA employees regarding NVIDIA's negotiations with a game publisher. <i>See</i> Decl. ¶ 29. Disclosure of this information would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 29, 31–32.
RX2141	Courtroom to be sealed for any presentation of Emails sent on December 12, 2022 at 7:54 AM and December 30, 2022 at 1:18 PM.	This is an email exchange between Microsoft employees and NVIDIA employees regarding contract negotiations between the two companies. <i>See</i> Decl. ¶ 30. Disclosure of the designated portions of the email exchange would reveal competitively sensitive business information. <i>Id.</i> ¶¶ 30, 31–32.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. JACQUELINE SCOTT CORLEY  
UNITED STATES DISTRICT JUDGE